

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



DESIGNATED MINING

LIMITED IMPACT (110d) OPERATION

RECLAMATION PERMIT APPLICATION PACKAGE

APPLICABILITY:

This application package is for a Designated Mining Operation (DMO) affecting less than 10 acres and extracting LESS than 70,000 tons of mineral, overburden or combination of the two per calendar year and uses or stores designated chemicals or acid-producing materials in its production process or has the potential to produce acid mine drainage. If you plan to conduct a mining operation which meets these criteria, please follow the instructions provided in this package, and Rules 1.4.1, 1.4.2, 6.0, 7.0, and 8.0 in the Mineral Rules and Regulations, as required. Please see Rule 1.1(12) for the definition of "Designated Mining" operation.

FILING REQUIREMENTS:

The Mineral Rules and Regulations (the Mined Land Reclamation Act, Section 34-32-101, et seq. C.R.S., and 2 CCR 407-1) of the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational, and reclamation requirements for all non-coal mining operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining, and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act, and;

Rule 1.1	Definitions;
Rule 1.4.1	General Provisions of the Application Review and Consideration Process;
Rule 1.4.2	Specific Requirements for Limited Impact Designated Mining Operations;
Rule 1.5	Fees;
Rule 1.6	Public Notice Procedures;
Rule 3.1	Reclamation Performance Standards;
Rule 3.3.1	Operating without a Permit - Penalty;
Rule 4	Performance Warranties and Financial Warranties;
Rule 6	Permit Application Exhibit Requirements;
Rule 6.2	General Requirements of Exhibits;
Rule 6.3	Specific Permit Application Exhibit Requirements;
Rule 6.4.20	Exhibit T - Environmental Protection Plan;
Rule 6.5	Geotechnical Stability Exhibit;
Rule 7	Designated Mining Operations; and,
Rule 8	Emergency Response Plan for Designated Mining Operations

To apply for a Reclamation Permit for a Limited Impact Designated Mining Operation, one (1) signed and notarized completed Gray-Original and one (1) copy of the Limited Impact (110d) Designated Mining Operation Application Form, two (2) copies of Exhibits A-J, Exhibit L, Exhibit T, the Geotechnical Stability Exhibit, the Emergency Response Plan, and Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b), an example of this notice is attached for your use), as required, and outlined in Rules 6.1, 6.2, 6.3, 6.4.20, 6.5, 8.0, and 1.6.2(1)(b), and an application fee MUST be submitted to the Office. The thirty (30) day period for review of the application and exhibits will NOT begin until all required information is submitted. The Office will then review the submitted information for adequacy.

It is recommended that you contact the agencies listed under "Compliance With Other Laws" prior to submitting the application to the Office. You MUST send a notice, on a form approved by the Board, to the local board of county commissioners, and if the mining operation is within the boundaries of a conservation district, to the board of supervisors of the conservation district, PRIOR to filing the application. A copy of these "Notice of Filing Application" forms have been attached for your use. You MUST include two (2) copies of proof of mailings with the application at the time the application is submitted to the Office for filing (Rules 1.6.2 and 1.6.3).

Upon filing the application, place for public review a copy of the application, less confidential items, with the clerk and recorder of the county or counties in which the affected land is located. Any changes or additions made to an application submittal MUST be filed with the county clerk and recorder. You MUST also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk and recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1). The copy of the application and any changes or additions placed at the office of the county clerk and recorder shall NOT be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

PRIOR to the Office making an approval decision (consideration of the application), you MUST submit proof of publication and proof of all required notices. Proof of notice may be by submitting return receipts of a certified mailing or by proof of personal service (Rule 1.6.1(f)).

APPLICATION REVIEW PROCEDURES:

The Office shall approve or deny the application within thirty (30) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond thirty (30) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(9) for the definition of what may constitute a complex application.

If the requirements of the Act and Mineral Rules have been satisfied, the Office will approve the application. The Act also provides for automatic approval if no action is taken by the Office by the end of the review period.

If the Act and Regulation requirements have not been satisfied, the Office will deny the application. If the Office denies the application, you may appeal to the Board for a final determination by submitting a written request for administrative appeal to the Board within 60 days of the decision date. (Rule 1.4.7)

NOTICE REQUIREMENTS:

Within ten (10) days after filing, mail or personally serve a copy of the notice described in Rule 1.6.2(1)(c) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(d)(I) and (ii)). In addition, you must publish once in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(c). A copy of a form which includes all required information for the notice has been attached for your use. You will need to provide the Office proof of notice PRIOR to the decision date. Proof of notice may be by submitting return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c) and 1.6.2(1)(d)).

PERFORMANCE AND FINANCIAL WARRANTIES:

A performance warranty and a financial warranty, in an amount determined as a part of the application review, must be submitted and approved by the Office PRIOR to permit issuance. If the applicant is a unit of state or county government, then ONLY a performance warranty is required. Several different types of financial warranties are allowed by the law. Please review Rule 4.0 to determine which type of financial warranty you desire to use. You may obtain the appropriate forms from the Office during the application review period. A financial warranty should NOT be submitted until a decision on the application has been made. Please note that an application approval DOES NOT convey a right to begin operations. You MUST submit, and have approval of your performance and financial warranties, and receive your copy of the signed permit document PRIOR to beginning on-site mining activity.

PERMIT APPROVAL:

An applicant will NOT be issued a reclamation permit until notified by the Office that this application and the required performance and financial warranties have been approved. Alternatively, an automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made thirty (30) calendar days from the date the application was submitted. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Rule 4.1(2)).

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board DOES NOT relieve you of your responsibility to comply with all other applicable state and federal laws (Sections 34-32-115(4)(c) and 34-32-109(5), C.R.S. 1984, as amended). At a minimum, you MUST contact the following agencies to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to the administration of water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the waters of the State;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located. Section 34-32-109(6), C.R.S., requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received **PRIOR** to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office review and decision or appeals process, you may contact the Office at (303) 866-3567.

COMPLETION OF MINING:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.

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DESIGNATED MINING LIMITED IMPACT (110d) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE:

☐

New Application (Rule 1.4)

☐

Amendment Application (Rule 1.8 or 1.10)

☐

Conversion Application (Rule 1.11)

Permit # M-_____-_____-_____ (provide for Amendments and Conversions of existing permits)

The application for a Limited Impact (110d) Designated Mining Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Exhibit T, the Geotechnical Stability Exhibit, the Emergency Response Plan, and Addendum 1, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.4.20 6.5, 8, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) signed and notarized Original and one (1) copy of the application form, two (2) copies of Exhibits A-J, Exhibit L, Exhibit T, the Geotechnical Stability Exhibit (Rule 6.5), the Emergency Response Plan (Rule 8), and Addendum 1 (Rule 1.6.2(1)(b)), as required, and a check for the application fee described under (4) below. Exhibits should **NOT** be bound or in 3-ring binders; maps should be folded to 8 2" X 11" or 8 2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, all information described below.

1. **Applicant/operator or company name (name to be used on permit):** _____
 - 1.1 Type of organization (corporation, partnership, etc.): _____
 - 1.2 I.R.S. Tax ID No. or Social Security Number: _____
2. **Operation name (pit, mine or site name):** _____
3. **Permitted acreage (new or existing site):** _____ permitted acres
 - 3.1 Change in acreage (+) _____ acres
 - Total Acreage in Permit Area _____ acres
4. **Fees:** (Rule 1.5)
 - 4.1 New Application \$2,875.00 application fee
 - 4.2 Amendment Fee (operations existing as of 06/30/94) \$1,725.00 application fee
 - 4.3 Amendment Fee (operations permitted from 07/01/94) \$2,300.00 application fee
 - 4.4 After July 1, 1995, to convert a 110(1), 110(2) or a 110 to a 110(d), a new application form for a 110d must be submitted, along with an application fee of \$2,875.00 (Rule 1.11.2(2)).
5. **Primary commodities to be mined:** _____
6. **Type of mining operation:** ☐ Surface ☐ Underground ☐ In-situ

7. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

INSPECTION CONTACT

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

8. **Name of owner of the subsurface rights of affected land:** _____

9. **Name of owner of the surface of affected land:** _____

10. **LOCATION INFORMATION:** The center of the area where the majority of mining will occur:

COUNTY: _____

PRINCIPAL MERIDIAN (check one): _____ 6th (Colorado) _____ 10th (New Mexico) _____ Ute

SECTION (write number): S _____

TOWNSHIP (write number and check direction): T _____ North _____ South

RANGE (write number and check direction): R _____ East _____ West

QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

QUARTER/QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation)

11. **Primary Mine Entrance Location** (report in either Latitude/Longitude OR UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude (W) - _____ (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) _____ Zone _____

Easting _____

Northing _____

12. **Primary "future (Post-mining)" land use (check one):**

_____ Cropland(CR)	_____ Pastureland(PL)	_____ General Agriculture(GA)
_____ Rangeland(RL)	_____ Forestry(FR)	_____ Wildlife Habitat(WL)
_____ Residential(RS)	_____ Recreation(RC)	_____ Industrial/Commercial(IC)
_____ Developed Water Resources(WR)		_____ Solid Waste Disposal(WD)

13. **Primary "present" land use (check one):**

_____ Cropland(CR)	_____ Pastureland(PL)	_____ General Agriculture(GA)
_____ Rangeland(RL)	_____ Forestry(FR)	_____ Wildlife Habitat(WL)
_____ Residential(RS)	_____ Recreation(RC)	_____ Industrial/Commercial(IC)
_____ Developed Water Resources (WR)		_____ Mining (MN)

14. List any designated chemicals, acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:
-
15. **Description of Amendment or Conversion:** If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).
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16. **Maps & Exhibits:** Submit TWO (2) complete, unbound copies of the following application exhibits:

RULES:

- 6.3.1 EXHIBIT A - Legal Description and Location Map
- 6.3.2 EXHIBIT B - Site Description
- 6.3.3 EXHIBIT C - Mining Plan
- 6.3.4 EXHIBIT D - Reclamation Plan
- 6.3.5 EXHIBIT E - Maps
- 6.3.6 EXHIBIT F - List of Other Permits and Licenses Required
- 6.3.7 EXHIBIT G - Source of Legal Right-to-Enter
- 6.3.8 EXHIBIT H - Municipalities Within a Two-mile Radius
- 6.3.9 EXHIBIT I - Proof of Filing with County Clerk
- 6.3.10 EXHIBIT J - Proof of Mailing Notices of Permit Application
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 6.4.20 EXHIBIT T - Designated Mining Operation Environmental Protection Plan
- 6.5 Geotechnical Stability Exhibit (as required)
- 8 Emergency Response Plan
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)